

Amendment No. 4 to SB0233

Jackson
Signature of Sponsor

FILED
Date _____
Time _____
Clerk _____
Comm. Amdt. _____

AMEND Senate Bill No. 233*

House Bill No. 306

By deleting all language after the enacting clause and substituting instead the following:

SECTION 1. Tennessee Code Annotated, Title 40, Chapter 17 is amended by adding the following as a new, appropriately numbered section:

40-17-__ Sex Crime Exception – Impeachment and Proof of Other Crimes.

(a) Notwithstanding the provisions of any rule or statute to the contrary, in a criminal case in which the victim is less than thirteen (13) years of age and the defendant is charged with a sex offense specified in Tennessee Code Annotated, Title 39, Chapter 13, Part 5 or Tennessee Code Annotated, Section 39-15-302, or any attempt, solicitation or conspiracy to commit those offenses, evidence of the defendant's prior conviction for another sex offense or offenses specified in Tennessee Code Annotated, Title 39, Chapter 13, Part 5 or Tennessee Code Annotated, Section 39-15-302, and the victim at the time of the offense was less than thirteen (13) years of age, such offense is admissible, and may be considered for its bearing on any matter to which it is relevant, subject to the provisions of Rule 403 of the Tennessee Rules of Evidence.

(b) Notwithstanding the provisions of any rule or statute to the contrary, in a case in which the state intends to offer evidence under this section, the state shall disclose the evidence to the defendant, including a summary of the substance of any testimony that is expected to be offered, at least fifteen (15) days before the scheduled date of trial or at such later time as the court may allow for good cause.

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(c) Nothing in this section shall be construed to limit the admissibility or
consideration of evidence under any other rule or statute.

SECTION 2. This act shall take effect January 1, 2002, the public welfare requiring it.